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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/557,878	04/24/2000	Mike Jensen	SOPP 301B	8914

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/557,878

Applicant(s)

JENSEN, MIKE

Examiner

Beth Van Doren

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11/19/2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3 and 7-9 is/are rejected.
- 7) ☒ Claim(s) 4 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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### **DETAILED ACTION**

1. The following is a non-final office action in response to communications received 11/19/2003. Claims 2, 5, and 6 have been canceled. Claims 1, 3-4, and 7-9 are pending.

#### ***Specification***

2. The specification is objected to because of its format/content. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

#### ***Response to Terminal Disclaimer***

3. Examiner acknowledges the Terminal Disclaimer sent on 11/19/03. However, after further review, the following art rejections have been established.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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Claims 1, 3, and 7-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Garber et al. (U.S. 5,752,054).

5. As per claim 1, Garber et al. teaches a computer-implemented process of reporting safety information workstation, comprising the steps of:

creating a system database stored in computer memory, the system database including a plurality of defined lists of entries for selected variables and a plurality of defined formats for selected incident reports (See at least column 2, lines 21-38);

creating an incident database stored in computer memory by selecting an entry from one of more of the defined lists in the system database, and inserting the selected entry or entries into a data record (See at least column 8, lines 44-53); and

creating an incident report by:

selecting one of the defined formats from the system database (See at least column 8, line 41-column 9, lines 20);

extracting and manipulating information from the incident database as defined in the selected format (See at least column 8, line 41-column 9, lines 20); and

producing the report on a computer output medium (See at least column 9, lines 21-34).

6. As per claim 3, Garber et al. teaches a computer-implemented process wherein the defined lists include a defined list of types of incidents (See at least column 13, lines 8-9).

7. As per claim 7, Garber et al. teaches a computer-assisted process of reporting safety information stored in computer memory, comprising the steps of:

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creating a company database stored in computer memory, the company database including a defined list of employees and a defined list of types of incidents (See at least column 2, lines 21-38, column 10, lines 6-16, column 13, lines 2-9);

selecting an employee from the company database (See at least column 1, lines 55-60, column 2, lines 21-38, column 8, line 41-column 9, lines 20, column 10, lines 6-16, column 13, lines 2-9);

selecting a type of incident from the company database (See at least column 1, lines 55-60, column 2, lines 21-38, column 8, line 41-column 9, lines 20, column 10, lines 6-16, column 13, lines 2-9);

creating an incident database stored in computer memory by inserting the selected employee and type of incident into a data record (See at least column 2, lines 21-38, column 8, lines 44-67, column 9, lines 1-20, column 10, lines 6-16, column 13, lines 2-9);

formatting the incident database into a report (See at least column 8, line 41-column 9, line 34); and

producing the report on a computer output medium (See at least column 9, lines 21-34).

8. Claim 8 is a system version of the computer-implemented process presented in claim 7 and is therefore rejected using the same art and rationale as applied in the rejection of claim 7.

9. As per claim 9, Garber et al. teaches an incident reporting system further comprising:

a user interface (See at least column 1, lines 55-60, column 8, line 41-column 9, lines 20);

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an input form database including a plurality of defined input forms for prompting for input to the system and incident databases through the user interface (See at least column 1, lines 55-60, column 8, line 41-column 9, lines 20);

an input form selector for selecting one or more of the defined input forms (See at least column 1, lines 55-60, column 8, line 41-column 9, lines 20); and

an input form formatter for extracting and manipulating information from the system database as defined in the selected input form (See at least column 1, lines 55-60, column 8, line 41-column 9, lines 20).

#### ***Allowable Subject Matter***

10. Claim 4 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For

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more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

Center (EBC) at 866-217-9197 (toll-free).

*lwd*

bvd

April 29, 2004

*[Signature]*  
**TARIQ R. HAFIZ**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600